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SUBJECT: NATIONAL ASSEMBLY TAKES UP CNE REPLACEMENT

Classified By: POLITICAL COUNSELOR ROBERT R. DOWNES FOR 1.4 (D)

Summary

¶1. (C) On February 7, the National Assembly (AN) began the process of appointing a new National Electoral Council (CNE) by naming 11 AN deputies to the candidate selection committee. The committee is currently receiving nominations for the committee's remaining 10 civil society members, who are expected to be installed March 7. It is unclear whether many non-Chavista organizations, including the Church, and Sumate will decide to participate in the process as many doubt it will result in a truly independent and impartial electoral board. Rumors suggest two of the current CNE directors, including President Jorge Rodriguez, will be re-named to the CNE. There is little reason to believe that the Chavista majority on the candidate selection committee will suggest politically balanced or technically skilled members; the priority will be to maintain the CNE's Chavista orientation. End Summary.

Background

¶2. (SBU) According to the Electoral Power Law, the National Assembly, by two-thirds vote, appoints an Electoral Postulation Committee, comprised of 11 National Assembly (AN) deputies and 10 civil society representatives, that will prepare a list of candidates to serve on the National Electoral Council (CNE) based on nominations from civil

society, universities, and the Citizen's Power branch of government (Human Rights Ombudsman, Attorney General and Comptroller). The committee will then present this list to the AN, which will choose, by two-thirds vote, five CNE directors and ten alternates. According to article 296 of the Constitution, three of the directors must be nominated by civil society, one by major universities, and one by the Citizen's Power branch. This process was not used the last time the CNE board was constituted as the National Assembly could not reach agreement on the fifth director. The Supreme Court appointed the board and both the Organization of American States and European Union observation missions to the December 4, 2005 National Assembly elections noted the continued Venezuelan use after some years of a "temporarily" constituted board.

Committee Selection Begins

13. (SBU) On February 7, the AN selected 11 deputies to serve on the Electoral Postulations Committee, thus taking the first step to creating a CNE that will preside for the next seven years. The deputies included second AN Vice President Roberto Hernandez (Venezuelan Communist Party, PCV), who will head the committee, another PCV deputy, five Fifth Republic Movement (MVR) deputies, and one each from Podemos and Patria Para Todos (PPT), the second and third largest coalition partners, respectively, who originally proposed the initiative. Hernandez announced the committee would accept applications from individuals and civil society NGOs that want to participate in the selection committee February 13 - 24, and will select 10 representatives March 7. The AN has

CARACAS 00000480 002 OF 003

called on the Church, cooperatives, neighborhood associations, unions, universities, and other NGOs to nominate representatives. Once the committee is fully constituted, the committee will call for nominations, and groups will have 14 days to suggest candidates, according to the Electoral Power Law. If the Committee follows the guidelines in this law, a new CNE could be in place by mid-May. (Note: According to the Constitution, the CNE cannot be changed in the six months leading up to an election, or in this case, after June 3.)

Who Will Participate?

14. (C) Few authentically independent organizations appear willing to participate in the CNE selection process. So far, Asamblea de Educacion is the only pro-opposition group that has publicly expressed interest, and press reports as of February 17 indicate the AN has received less than thirty applications. The PPT and MVR have asked the Church, widely viewed as a potentially impartial arbiter, to join the committee, and suggested that opposition parties make their suggestions through the Church's representative. On February 14, Bishop Ramon Jose Vilorio, the Secretary General of the Venezuelan Episcopal Conference (CEV), told poloff the CEV was considering the request, but has serious concerns about the process resulting in any meaningful change to the CNE board. Carlos Genatios, board member of the politically balanced Ojo Electoral, the only government-recognized domestic observer group, told poloff February 15 that his organization will likely sit out and observe the process. They may, at best, suggest candidates through civil society committee members, Genatios said. Representatives from Sumate also thought the exercise would only be cosmetic, and while they would have liked to participate to learn of any illegal actions taken, they feared their participation would cost them the ability to comment on the process; other organizations, including the Church may face a similar dilemma. Partially as a result of the lukewarm interest, legislators have initiated a campaign to generate more

interest, which includes television advertisements and lobbying for participation during the mobile parliament "parliamentarismo de la calle," in Spanish) sessions that began February 17.

Potential CNE Candidates

15. (C) Three options are being debated for the composition of the new CNE: ratifying all members in place; replacing all members, or, more likely, re-appointing some members and appointing new ones. While several MVR deputies have advocated ratifying the current CNE directors, the government may calculate that such a move would help cause a repeat of the high abstention rate observed during the December 2005 legislative election, undermining President Chavez' goal of getting 10 million votes. In addition, Sobella Mejias, the lone opposition voice in the CNE, is due to retire this summer, according to civil service rules. Most BRV statements and conventional wisdom suggest the committee will re-appoint current CNE President Jorge Rodriguez, though not necessarily as president, and one other director, perhaps Tibusay Lucena or Oscar Leon Uzcategui, and replace the others with people deemed more acceptable, yet still

CARACAS 00000480 003 OF 003

pro-government. Hernandez' announcement that the current CNE directors can re-apply for their job makes the partial replacement option even more likely. Genatios and Ojo founder Padre Jose Virtuoso have been floated as potential candidates, but Genatios claims neither are interested. (Note: Padre Virtuoso has told the press he may consider an offer.)

Comment

16. (C) Chavez needs to give the impression that he is changing the CNE in partial response to voter worries about the CNE's fairness, without giving the impression that he shares those concerns. He will also ensure the new directors are malleable enough to allow him to rig the terms in his favor so he can reach his goal of 10 million votes and make his victory appear legitimate to the international community. Therefore, any change to the CNE board will likely be cosmetic. Even if an opposition-affiliated person is chosen to serve on the board they will likely be marginalized just as current opposition director Mejias has been.

WHITAKER